



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	<b>James D. Yurko</b>	
Serial	:	<b>10/729,649</b>	
Filed	:	<b>December 5, 2003</b>	
For	:	<b>GATE ASSEMBLY FOR DIVERTING ARTICLES AND THE LIKE</b>	
Docket No.	:	<b>Y001.PAT-2</b>	

**PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER  
IS BEING SENT BY U.S. MAIL, FIRST  
CLASS, TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450,  
THIS  
13<sup>th</sup> DAY OF December, 2004.  
E. J. Yurko  
PATENT ATTORNEY

In response to the Notice of Abandonment mailed on December 7, 2004, please consider the following:

1. A Notice to File Corrected Application Papers was mailed on March 12, 2004, and received by the Applicant.
2. On March 24, 2004, Applicant mailed a Response to Notice to File Corrected Application Papers (copy enclosed) enclosing two (2) sheets of corrected drawings and a copy of the Notice to File Corrected Application Papers.
3. As evidenced by the return postcard (copy enclosed), the U.S. Patent and Trademark Office received the Response on March 29, 2004, and mailed to return postcard back to the undersigned attorney on March 31, 2004.
4. The Notice of Abandonment was mailed on December 4, 2004.

The application was held abandoned due to an error of the U.S. Patent and Trademark Office. Applicant respectfully requests that the Notice of Abandonment be withdrawn and that the present application be examined.

Due to the fact that Applicant committed no error, Applicant believes that no fee should be required. If a fee is required, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the filing fees to my deposit account #50-2084. A duplicate of this Petition is enclosed.

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance. Consideration and allowance of claims 1 – 19 are respectfully requested.

Respectfully submitted,

JAMES D. YURKO

By: 

Emery L. Tracy, Reg. No. 34,081

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Boulder, Colorado 80306

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/729,649	12/05/2003	James D. Yurko	Y001.PAT-2

EMERY L. TRACY  
 P.O. Box 1518  
 Boulder, CO 80306



CONFIRMATION NO. 2763  
 ABANDONMENT/TERMINATION  
 LETTER

\*OC000000014684049\*

Date Mailed: 12/07/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/12/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*Request W. D. L. Reyes*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Applicant: **JAMES D. YURKO**

Docket No. **Y001.PAT-2**

For: **GATE ASSEMBLY FOR DIVERTING ARTICLES AND THE  
LIKE**

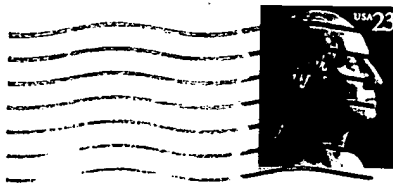
Serial No.: **10/729,649**

Filing Date: **December 5, 2003**

Please date stamp and return to acknowledge your receipt of the following documents filed on March 12, 2004, including:

- ☒ Response to Notice to File Corrected Application Papers (1 page) with Certificate of Mailing
- ☒ Two (2) sheets of corrected drawings
- ☒ Copy of Notice to File Corrected Application Papers

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OPR/FINANCE



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**BEST AVAILABLE COPY**